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6

7 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
8 * * *

9 UNITED STATES OF AMERICA,
10 Plaintiff) 2:22-CR-00024-CDS-EJY
11 v.)
12 JAVIER GONZALEZ,) STIPULATION AND ORDER TO
13 Defendant) CONTINUE SENTENCING
14) (1st Request)

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16 IT IS HEREBY STIPULATED by and between JAVIER GONZALEZ, defendant, by
17 and through counsel DUSTIN R. MARCELLO, ESQ., and the United States of America, by and
18 through, ALLISON REESE, Assistant United States Attorney, that sentencing be continued from
19 June 1, 2023, at 11:00 am, at a time convenient to the court, in 45 days. The stipulation is as
20 follows:

- 21 1. Mr. Gonzalez is currently in custody.
22 2. Mr. Gonzalez does not object to the request to continue sentencing.
23 3. The PSR was obtained by counsel on April 18, 2023.
24 4. The PSR noted that Defendant has an outstanding bench warrant in Clark County
25 District Court Case No.: C-21-361079-1. The circumstances are that Mr. Gonzalez
26 was sentenced to probation in that case and then transferred directly from State
27 custody to Federal custody on this case. Thereafter, Nevada Probation office
28

requested a warrant because Mr. Gonzalez had not reported to their office to begin probation.

5. Counsel has spoken to Mr. Gonzalez' State counsel and he has agreed to file a motion to quash and resolve the case or fix the issue.

6. It will take some period to transfer Mr. Gonzalez, Counsel would estimate 45 days, on a writ to be sentenced or have his sentence modified in State Court.

7. Counsel has spoken to the Government and it has no objection and stipulates to a continuance.

8. This is the first request to continue sentencing.

DATED this 19th day of May 2023

Respectfully submitted.

PITARO & FUMO, CHTD. JASON M. FRIERSON
UNITED STATES ATTORNEY

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7 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
* * *

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10 UNITED STATES OF AMERICA,) 2:22-CR-00024-CDS-EJY
11 Plaintiff)
12 v.) FINDINGS OF FACT, CONCLUSIONS
13 JAVIER GONZALEZ,) OF LAW, AND ORDER
14 Defendant)
15 (1st Request)
16

17 FINDINGS OF FACT

18 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
19 Court finds:

20 9. Mr. Gonzalez is currently in custody.

21 10. Mr. Gonzalez does not object to the request to continue sentencing.

22 11. The PSR was obtained by counsel on April 18, 2023.

23 12. The PSR noted that Defendant has an outstanding bench warrant in Clark County
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25 District Court Case No.: C-21-361079-1. The circumstances are that Mr. Gonzalez
26 was sentenced to probation in that case and then transferred directly from State
27 custody to Federal custody on this case. Thereafter, Nevada Probation office
28

1 requested a warrant because Mr. Gonzalez had not reported to their office to begin
2 probation.

3 13. Counsel has spoken to Mr. Gonzalez' State counsel and he has agreed to file a motion
4 to quash and resolve the case or fix the issue.

5 14. It will take some period to transfer Mr. Gonzalez, Counsel would estimate 30-45 days,
6 on a writ to be sentenced or have his sentence modified in State Court

7 15. Counsel has spoken to the Government and it has no objection and
8 stipulates to a continuance.

9 16. There would be no prejudice to the Government by continuing the sentencing.

10 17. This is the first request to continue sentencing.
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14 CONCLUSIONS OF LAW

15 The end of justice served by granting said continuance of sentencing outweigh the best
16 interest of the public and defendants in a speedy resolution since the failure to grant
17 said continuance would likely result in a miscarriage of justice, would deny the parties herein
18 sufficient time and the opportunity within which to be able to effectively and
19 thoroughly prepare for sentencing taking into account the exercise of due diligence.
20

21 ORDER

22 **IT IS ORDERED** that sentencing currently scheduled for June 1, 2023, at the hour of
23 11:00 a.m., is vacated and continued to July 24, 2023, at the hour of 11:00 a.m. in Courtroom 6B.

24 DATED: May 23, 2023

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27 _____
28 U.S. DISTRICT JUDGE